

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

HERMAN LEE KINDRED, #00671207,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:21-cv-011-JDK-JDL
	§	
BOBBY LUMPKIN, et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Herman Lee Kindred, an inmate confined at the Texas Department of Criminal Justice Michael Unit, proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983 alleging violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.


On January 3, 2021, Judge Love issued a Report and Recommendation recommending that any request to proceed *in forma pauperis* should be denied and that Plaintiff's lawsuit should be dismissed, with prejudice, for the purposes of proceeding *in forma pauperis*. Docket No. 3. Specifically, Judge Love found that Plaintiff had accumulated at least three strikes under the PLRA before filing this federal lawsuit in 2021. A copy of the Report was sent to Plaintiff and Plaintiff has filed timely objections, which essentially reargue his underlying claims. Docket No. 6.

The Court notes that Plaintiff also moved to amend/combine his other cases pending in this Court. Docket No. 7. He also filed a notice insisting that he has paid the full filing fee. Docket No. 9. However, the docket does not indicate that Plaintiff has paid the filing fee. Further, a Court investigation of its financial records similarly provides no evidence that Plaintiff has submitted the filing fee in any of his civil rights cases—including 6:20-cv-540, 6:20-cv-562, and this case.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge *de novo*. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a *de novo* review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 3) as the opinion of the District Court. Plaintiff’s claims are **DISMISSED** with prejudice, for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of his lawsuit without seeking *in forma pauperis* status.

So **ORDERED** and **SIGNED** this **25th** day of **February, 2021**.

  
 JEREMY D. KERNODLE  
 UNITED STATES DISTRICT JUDGE